IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY SIXTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 21703 of 2004

Between:

Bijjam Venkataswamy, S/o. Gurava Reddy,
R/o. Kaniyampadu Village, Varikuntapadu Mandal,
Nellore District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Kavali, Nellore District.
2 The Mandal Revenue Officer, Varikuntapadu Mandal, Nellore District.
3 Smt. Mula Vijayamma, W/o. Rama Subba Reddy,
R/o. Kaniyampadu Village, Varikuntapadu Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the order passed by the 1st respondent in L.Dis.3393/2004 dated. 31.10.2004 vacating the status-quo order granted in his proceedings in even number dated. 20.9.2004pending the appeal, is illegal, arbitrary, unjust, without jurisdiction and also violative of principles of natural justice and consequently set-aside the same and direct the respondents not to interfere with the petitioner's peaceful possession and enjoyment of Ac. 4.99 cents of dry land in Sy.Nos. 487/1 and 487/2 of Kaniyampadu village, Varikuntapadu Mandal, Nellore District, and to pass.

Counsel for the Petitioner: MR.P.SRIDHAR REDDY

Counsel for the Respondent Nos. 1 and 2: GP FOR REVENUE

The Court, at the stage of admission, made the following :

ORAL ORDER:

Challenging the order, dated 31.10.2004, in L.Dis.No.3393/2004 passed by the 1st respondent vacating the status-quo orders granted in his proceedings, dated 20.9.2004, the petitioner has filed this writ petition.

Heard the learned counsel for both the parties.

The learned counsel for the petitioner has contended that though the survey numbers and the names of the persons to whom the lands were assigned have been mentioned both in the application filed by the petitioner and others and also in the earlier order passed by the 1st respondent-Revenue Divisional Officer, dated 20.9.2004, vacating the status-quo order without assigning any reasons is illegal and hence, he prays to quash the proceedings.

The learned Government Pleader for Revenue has opposed the same. As the petitioner failed to furnish the survey numbers in his application, the 1st respondent rightly vacated the status-quo order. Against the orders passed by the 2nd respondent-M.R.O, an appeal is pending before the 1st respondent, who has to pass appropriate orders basing on the material available on record. While the appeal is pending, the status-quo order granted by him is vacated solely on the

ground that the survey numbers of the land which the petitioners said to have claimed have not been mentioned and further, the petitioner has not even mentioned the name of the persons to whom the lands stated to have been assigned and therefore, the status-quo order is vacated. Hence, the order under challenge does not suffer from any legal infirmities so as to call for interference by this Court.

The 1st respondent passed proceedings in Rc.F.3393/2004, dated 20.9.2004 wherein it is found that at the time of granting status-quo orders, the survey numbers have been noted in the said orders.

In view of the facts and circumstances of the case, I deem it appropriate to direct the 1st respondent to dispose of the main appeal itself after giving a reasonable opportunity of hearing the case to the petitioner, instead of passing an order in the interlocutory application, within eight weeks from the date of receipt of a copy of this order. Till then, the status-quo obtained as on today shall be maintained.

The writ petition is disposed of in terms of the above direction. There shall be no order as to costs.

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(K.C. BHANU, J.)

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

26th November, 2004.

bcj

To

1 The Revenue Divisional Officer, Kavali, Nellore District.
2 The Mandal Revenue Officer, Varikuntapadu Mandal, Nellore District.
3**. Two CCs to G.P for Revenue, High Court Buildings,**

Hyderabad(OUT).

4 Two CD copies